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SENATE BILL

No. 551

Introduced by Senator Lowenthal

February 18, 2005

An act to amend ~~Section~~ *Sections 1365 and 1373* of, to add Section 1363.7 to, and to add Chapter 11 (commencing with Section 1380.010) to Title 6 of Part 4 of Division 2 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 551, as amended, Lowenthal. ~~Common interest developments: ombudsman~~ *Interest Development Bureau*.

(1) Existing law, *the Davis-Stirling Common Interest Development Act*, defines and regulates common interest developments, which include condominiums and planned developments. ~~Existing law~~ *The act* requires that a common interest development be managed by an association, and establishes requirements for association operating rules and meetings and for the resolution of specified disputes.

This bill would, until January 1, ~~2011~~ 2012, establish in the Department of Consumer Affairs, ~~the Office of the Common Interest~~

Development—Ombudsman Bureau. The bill would require the ombudsman bureau to, among other things, offer training materials and courses to common interest development directors, officers, and owners, in subjects relevant to the operation of a common interest development and the rights and duties of an association or owner. The bill would require the ombudsman bureau to maintain a toll-free telephone number and Internet Web site for purposes of further providing that information and assistance, and would require an association director or agent to meet certain requirements in that regard. The

The bill would require the bureau, upon request and within the limits of its resources, to investigate and assist in resolving any dispute involving the law governing common interest developments or the governing documents of a common interest development. The bill would set forth applicable procedures for responding to the investigation request, serving a written citation and administrative fine on an association for violations of the Davis-Stirling Common Interest Development Act and other laws governing common interest developments, administrative review of any citation issued, and enforcement of any order or fine contained in a citation.

The bill would impose a biennial association fee on common interest development associations to fund the administration of the provisions of the bill, for, payable upon filing specified information with the Secretary of State. The bill would require the Secretary of State to deposit the fee revenue in a newly created fund, the Fee Account of the Common Interest Development—Ombudsman Bureau Fund, which would be subject to for the administration of these provisions upon appropriation by the Legislature. The bill would require the Secretary of State to develop a form for an association that is excused from paying the fee to certify that another association has paid the fee, as specified. The bill would provide that costs incurred by the Secretary of State pursuant to these provisions shall be reimbursed from the Common Interest Development Bureau Fund.

The bill would require money paid to the bureau that is attributable to administrative fines imposed by the bureau, or cost recovery by the bureau from enforcement actions and case settlements, to be placed into the Penalty Account of the Common Interest Development Bureau Fund, for the administration of these provisions upon appropriation by the Legislature.

(2) *Existing law governing common interest developments requires the association to prepare and distribute to all of its members certain documents, including a pro forma operating budget.*

This bill would require the association to also prepare and distribute a list of all citations issued and other enforcement action taken against the association by the Common Interest Development Bureau, including a description of the nature of the issue requiring action and any fines levied against the association.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1363.7 is added to the Civil Code, to
2 read:

3 1363.7. An association shall provide its members with annual
4 written notice of the Internet Web site address and toll-free
5 telephone number of the Common Interest Development
6 ~~Ombudsperson~~ Bureau established pursuant to Chapter 11
7 (commencing with Section 1380.010).

8 *SEC. 2. Section 1365 of the Civil Code is amended to read:*

9 1365. Unless the governing documents impose more stringent
10 standards, the association shall prepare and distribute to all of its
11 members the following documents:

12 (a) A pro forma operating budget, which shall include all of
13 the following:

14 (1) The estimated revenue and expenses on an accrual basis.

15 (2) A summary of the association's reserves based upon the
16 most recent review or study conducted pursuant to Section
17 1365.5, based only on assets held in cash or cash equivalents,
18 which shall be printed in boldface type and include all of the
19 following:

20 (A) The current estimated replacement cost, estimated
21 remaining life, and estimated useful life of each major
22 component.

23 (B) As of the end of the fiscal year for which the study is
24 prepared:

25 (i) The current estimate of the amount of cash reserves
26 necessary to repair, replace, restore, or maintain the major
27 components.

1 (ii) The current amount of accumulated cash reserves actually
2 set aside to repair, replace, restore, or maintain major
3 components.

4 (iii) If applicable, the amount of funds received from either a
5 compensatory damage award or settlement to an association from
6 any person or entity for injuries to property, real or personal,
7 arising out of any construction or design defects, and the
8 expenditure or disposition of funds, including the amounts
9 expended for the direct and indirect costs of repair of
10 construction or design defects. These amounts shall be reported
11 at the end of the fiscal year for which the study is prepared as
12 separate line items under cash reserves pursuant to clause (ii).
13 Instead of complying with the requirements set forth in this
14 clause, an association that is obligated to issue a review of their
15 financial statement pursuant to subdivision (b) may include in the
16 review a statement containing all of the information required by
17 this clause.

18 (C) The percentage that the amount determined for purposes
19 of clause (ii) of subparagraph (B) equals the amount determined
20 for purposes of clause (i) of subparagraph (B).

21 (3) A statement as to both of the following:

22 (A) Whether the board of directors of the association has
23 determined or anticipates that the levy of one or more special
24 assessments will be required to repair, replace, or restore any
25 major component or to provide adequate reserves therefor. If so,
26 the statement shall also set out the estimated amount,
27 commencement date, and duration of the assessment.

28 (B) The mechanism or mechanisms by which the board of
29 directors will fund reserves to repair or replace major
30 components, including assessments, borrowing, use of other
31 assets, deferral of selected replacement or repairs, or alternative
32 mechanisms.

33 (4) A general statement addressing the procedures used for the
34 calculation and establishment of those reserves to defray the
35 future repair, replacement, or additions to those major
36 components that the association is obligated to maintain. The
37 report shall include, but need not be limited to, reserve
38 calculations made using the formula described in paragraph (4)
39 of subdivision (b) of Section 1365.2.5, and may not assume a rate
40 of return on cash reserves in excess of 2 percent above the

1 discount rate published by the Federal Reserve Bank of San
2 Francisco at the time the calculation was made.

3 The summary of the association's reserves disclosed pursuant
4 to paragraph (2) shall not be admissible in evidence to show
5 improper financial management of an association, provided that
6 other relevant and competent evidence of the financial condition
7 of the association is not made inadmissible by this provision.

8 Notwithstanding a contrary provision in the governing
9 documents, a copy of the operating budget shall be annually
10 distributed not less than 30 days nor more than 90 days prior to
11 the beginning of the association's fiscal year.

12 (b) A review of the financial statement of the association shall
13 be prepared in accordance with generally accepted accounting
14 principles by a licensee of the California Board of Accountancy
15 for any fiscal year in which the gross income to the association
16 exceeds seventy-five thousand dollars (\$75,000). A copy of the
17 review of the financial statement shall be distributed within 120
18 days after the close of each fiscal year.

19 (c) Instead of the distribution of the pro forma operating
20 budget required by subdivision (a), the board of directors may
21 elect to distribute a summary of the pro forma operating budget
22 to all of its members with a written notice that the pro forma
23 operating budget is available at the business office of the
24 association or at another suitable location within the boundaries
25 of the development, and that copies will be provided upon
26 request and at the expense of the association. If any member
27 requests that a copy of the pro forma operating budget required
28 by subdivision (a) be mailed to the member, the association shall
29 provide the copy to the member by first-class United States mail
30 at the expense of the association and delivered within five days.
31 The written notice that is distributed to each of the association
32 members shall be in at least 10-point boldface type on the front
33 page of the summary of the budget.

34 (d) A statement describing the association's policies and
35 practices in enforcing lien rights or other legal remedies for
36 default in payment of its assessments against its members shall
37 be annually delivered to the members not less than 30 days nor
38 more than 90 days immediately preceding the beginning of the
39 association's fiscal year.

(e) (1) A summary of the association's property, general liability, earthquake, flood, and fidelity insurance policies, which shall be distributed not less than 30 days nor more than 90 days preceding the beginning of the association's fiscal year, that includes all of the following information about each policy:

(A) The name of the insurer.

(B) The type of insurance.

(C) The policy limits of the insurance.

(D) The amount of deductibles, if any.

(2) The association shall, as soon as reasonably practicable, notify its members by first-class mail if any of the policies described in paragraph (1) have lapsed, been canceled, and are not immediately renewed, restored, or replaced, or if there is a significant change, such as a reduction in coverage or limits or an increase in the deductible, as to any of those policies. If the association receives any notice of nonrenewal of a policy described in paragraph (1), the association shall immediately notify its members if replacement coverage will not be in effect by the date the existing coverage will lapse.

(3) To the extent that any of the information required to be disclosed pursuant to paragraph (1) is specified in the insurance policy declaration page, the association may meet its obligation to disclose that information by making copies of that page and distributing it to all of its members.

(4) The summary distributed pursuant to paragraph (1) shall contain, in at least 10-point boldface type, the following statement: "This summary of the association's policies of insurance provides only certain information, as required by subdivision (e) of Section 1365 of the Civil Code, and should not be considered a substitute for the complete policy terms and conditions contained in the actual policies of insurance. Any association member may, upon request and provision of reasonable notice, review the association's insurance policies and, upon request and payment of reasonable duplication charges, obtain copies of those policies. Although the association maintains the policies of insurance specified in this summary, the association's policies of insurance may not cover your property, including personal property or, real property improvements to or around your dwelling, or personal injuries or other losses that occur within or around your dwelling. Even if a loss is covered,

1 you may nevertheless be responsible for paying all or a portion of
2 any deductible that applies. Association members should consult
3 with their individual insurance broker or agent for appropriate
4 additional coverage.”

5 *(f) A list of all citations issued and other enforcement action*
6 *taken against the association by the Common Interest*
7 *Development Bureau, including a description of the nature of the*
8 *issue requiring action and any fines levied against the*
9 *association.*

10 ~~SEC. 2.~~

11 SEC. 3. Section 1373 of the Civil Code is amended to read:

12 1373. (a) The following provisions do not apply to a
13 common interest development that is limited to industrial or
14 commercial uses by zoning or by a declaration of covenants,
15 conditions, and restrictions that has been recorded in the official
16 records of each county in which the common interest
17 development is located:

18 (1) Section 1356.

19 (2) Article 4 (commencing with Section 1357.100) of Chapter
20 2.

21 (3) Subdivision (b) of Section 1363.

22 (4) Section 1365.

23 (5) Section 1365.5.

24 (6) Subdivision (b) of Section 1366.

25 (7) Section 1366.1.

26 (8) Section 1368.

27 (9) Section 1378.

28 (10) Chapter 11 (commencing with Section 1380.010).

29 (b) The Legislature finds that the provisions listed in
30 subdivision (a) are appropriate to protect purchasers in residential
31 common interest developments, however, the provisions may not
32 be necessary to protect purchasers in commercial or industrial
33 developments since the application of those provisions could
34 result in unnecessary burdens and costs for these types of
35 developments.

36 ~~SEC. 3.~~

37 SEC. 4. Chapter 11 (commencing with Section 1380.010) is
38 added to Title 6 of Part 4 of Division 2 of the Civil Code, to read:

1 CHAPTER 11. COMMON INTEREST DEVELOPMENT
2 ~~OMBUDSPERSON~~ BUREAU PILOT PROJECT
3

4 Article 1. Definitions
5

6 1380.010. Unless the provision or context otherwise requires,
7 the definitions in this article govern the construction of this
8 chapter.

9 1380.020. “Owner” means the owner of a separate interest.

10 1380.030. “Person” includes a natural person, firm,
11 association, organization, partnership, business trust, corporation,
12 limited liability company, or public entity.
13

14 Article 2. Administration
15

16 1380.100. The Legislature finds and declares all of the
17 following:

18 (a) There are more than ~~36,000~~ 41,000 residential common
19 interest developments in California, comprising more than
20 ~~3,000,000~~ 4,300,000 dwellings. Common interest developments
21 comprise approximately one-quarter of the state’s housing stock.

22 (b) Managing a common interest development is a complex
23 responsibility. Community associations are run by volunteer
24 directors who may have little or no prior experience in managing
25 real property, operating a nonprofit association or corporation,
26 complying with the law governing common interest
27 developments, and interpreting and enforcing restrictions and
28 rules imposed by the governing documents of the common
29 interest development. Homeowners may not fully understand
30 their rights and obligations under the law and the governing
31 documents. Mistakes and misunderstandings are inevitable and
32 may lead to serious, costly, and divisive problems. The Common
33 Interest Development ~~Ombudsman~~ Bureau seeks to educate
34 community association officers and homeowners as to their legal
35 rights and obligations. Effective education can prevent or reduce
36 the severity of problems within a common interest development.

37 (c) The principal remedy for a violation of common interest
38 development law is private litigation. Litigation is not an ideal
39 remedy for many common interest development disputes, where
40 the disputants are neighbors who must maintain ongoing

relationships. The adversarial nature of litigation can disrupt these relationships, creating animosity that degrades the quality of life within the community and makes future disputes more likely to arise. Litigation imposes costs on a common interest development community as a whole, costs that must be paid by all members through increased assessments. Many homeowners cannot afford to bring a lawsuit and are effectively denied the benefit of laws designed for their protection.

(d) Anecdotal accounts of abuses within common interest developments create continuing public demand for reform of common interest development law. This results in frequent changes to the law, making it more difficult to understand and apply, and imposing significant transitional costs on common interest developments statewide. By collecting empirical data on the nature and incidence of problems within common interest developments, the Common Interest Development Ombudsperson Bureau provides a sound basis for prioritizing reform efforts, thereby increasing the stability of common interest development law.

(e) The costs of the Common Interest Development Ombudsperson Bureau Pilot Project shall be borne entirely by common interest development homeowners, through imposition of a biennial fee.

1380.110. (a) There is in the Department of Consumer Affairs ~~the Office of~~ the Common Interest Development Ombudsperson Bureau, under the supervision and control of the Director of Consumer Affairs.

(b) ~~The Commencing July 1, 2007, the~~ Director of Consumer Affairs shall employ a Common Interest Development Ombudsperson Bureau Chief and other officers and employees as necessary to discharge the requirements of this chapter. The Common Interest Development ~~Ombudsperson Bureau Chief~~ shall have the powers delegated by the director.

(c) ~~The ombudsperson bureau~~ shall adopt rules governing practices and procedures under this chapter. Any rule adopted under this subdivision is subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) Information and advice provided by the ~~ombudsperson~~ *bureau* has no binding legal effect and is not subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) The ~~ombudsperson~~ *bureau* may convene an advisory committee to make recommendations on matters within the ~~ombudsperson's~~ *bureau's* jurisdiction. A member of an advisory committee may receive per diem and expenses pursuant to Section 103 of the Business and Professions Code. In selecting the members of an advisory committee, the ~~ombudsperson~~ *bureau* shall ensure a fair representation of the interests involved.

1380.120. The Common Interest Development ~~Ombudsperson~~ *Bureau* shall report annually to the Legislature, no later than October 1 of each year. The report shall include all of the following information:

(a) Annual workload and performance data, including the number of requests for assistance received, the manner in which a request was or was not resolved, and the staff time required to resolve the inquiry. For each category of data, the ~~ombudsperson~~ *bureau* shall provide subtotals based on the type of question or dispute involved in the request.

(b) Analysis of the most common and serious types of disputes within common interest developments, along with any recommendations for statutory reform to reduce the frequency or severity of those disputes.

(c) On or before January 1, ~~2009, the ombudsperson~~ *2010, the bureau* shall submit recommendations to the Legislature on the following topics:

~~(1) Whether the ombudsperson should be authorized to enforce common interest development law.~~

~~(2)~~

~~(1)~~ Whether the ~~ombudsperson~~ *bureau* should be authorized to oversee association elections.

~~(3)~~

~~(2)~~ Whether the scope of application of Section 1380.230 should be narrowed or broadened.

1380.130. (a) On filing information with the Secretary of State every two years, pursuant to subdivision (a) of Section 1363.6, an association shall submit a Common Interest

1 ~~Development—Ombudsperson—Fee Bureau fee.~~ This fee is in
2 addition to the fee submitted pursuant to Section 1363.6. Failure
3 to submit the Common Interest Development—Ombudsperson—Fee
4 ~~Bureau fee~~ is deemed noncompliance with Section 1363.6.

5 (b) The Common Interest Development—Ombudsperson—Fee
6 ~~Bureau fee~~ shall equal the number of separate interests within the
7 association multiplied by the biennial fee amount. The initial
8 biennial fee amount is ten dollars (\$10). For the purposes of this
9 section, “separate interest” has the meaning provided in Section
10 1351.

11 (c) An association is excused from paying the fee for a
12 separate interest if another association has paid the fee for that
13 separate interest. An association that is excused from paying the
14 fee for a separate interest shall certify, on a form developed by
15 the Secretary of State for that purpose, that another association
16 has paid the fee for that separate interest. The ~~ombudsperson~~
17 ~~bureau~~ may adopt, by regulation, a rule governing which
18 association is required to pay the fee for a separate interest that is
19 part of more than one association.

20 (d) The Common Interest Development—Ombudsperson
21 ~~Bureau~~ shall increase or decrease the biennial fee amount every
22 two years to provide only the revenue that it estimates will be
23 necessary for its operation during the next two-year period. The
24 biennial fee amount shall not exceed twenty dollars (\$20).

25 (e) An assessment increase necessary to recover the fee
26 imposed by this section shall not be included in any calculation
27 for purposes of subdivision (b) of Section 1366.

28 1380.140. (a) Common Interest Development—Ombudsperson
29 ~~Bureau~~ fee revenue received by the Secretary of State and fee
30 revenue received by the Common Interest Development
31 ~~Ombudsperson Bureau~~ shall be transferred to the State Treasurer
32 and placed in the Fee Account of the Common Interest
33 Development—Ombudsperson ~~Bureau~~ Fund, which is hereby
34 created. All funds in the Fee Account of the Common Interest
35 Development—Ombudsperson ~~Bureau~~ Fund shall be used
36 exclusively for expenditures necessary for the proper
37 administration of this chapter, upon appropriation by the
38 Legislature.

39 (b) *Money paid to the bureau that is attributable to*
40 *administrative fines imposed by the bureau, or cost recovery by*

1 *the bureau from enforcement actions and case settlements, shall*
2 *be transferred to the State Treasurer and placed into the Penalty*
3 *Account of the Common Interest Development Bureau Fund,*
4 *which is hereby created. Funds in the Penalty Account shall,*
5 *upon appropriation by the Legislature, be available exclusively*
6 *for expenditures necessary for the proper administration of this*
7 *chapter.*

8 *(c) Costs incurred by the Secretary of State pursuant to this*
9 *chapter shall be reimbursed from the Common Interest*
10 *Development Bureau Fund.*

11 1380.150. (a) This chapter shall remain in effect only until
12 January 1, ~~2011~~ 2012, and as of that date is repealed, unless a
13 later enacted statute that is enacted before January 1, ~~2011~~ 2012,
14 deletes or extends that date.

15 (b) The Common Interest Development—~~Ombudsperson~~
16 *Bureau* Pilot Project is subject to review by the Joint Committee
17 on Boards, Commissions, and Consumer Protection pursuant to
18 Division 1.2 (commencing with Section 473) of the Business and
19 Professions Code.

20 21 Article 3. Education 22

23 1380.200. (a) The Common Interest Development
24 ~~Ombudsperson Bureau~~ shall offer training materials and courses
25 to common interest development directors, officers, and owners,
26 in subjects relevant to the operation of a common interest
27 development and the rights and duties of an association or owner.

28 (b) The ~~ombudsperson bureau~~ may charge a fee for training
29 materials or courses, not to exceed their actual cost.

30 1380.210. The Common Interest Development
31 ~~Ombudsperson Bureau~~ shall maintain a toll-free telephone
32 number to provide information or assistance on matters relating
33 to common interest developments.

34 1380.220. (a) The Common Interest Development
35 ~~Ombudsperson Bureau~~ shall maintain an Internet Web site,
36 which shall provide all of the following information:

37 (1) The text of this title, the Nonprofit Mutual Benefit
38 Corporation Law (Part 3 (commencing with Section 7110) of
39 Division 2 of Title 1 of the Corporations Code), and any other
40 statute or regulation that the ~~ombudsperson bureau~~ determines

1 would be relevant to the operation of a common interest
2 development or the rights and duties of an association or owner.

3 (2) Information concerning nonjudicial resolution of disputes
4 that may arise within a common interest development, including
5 contacts for locally available dispute resolution programs
6 organized pursuant to Chapter 8 (commencing with Section 465)
7 of Division 1 of the Business and Professions Code.

8 (3) A description of the services provided by the
9 ~~ombudsperson~~ *bureau* and information on how to contact the
10 ~~ombudsperson~~ *bureau* for assistance.

11 (4) An analysis, prepared each year, of legislative changes to
12 common interest development law.

13 (5) Any other information that the ~~ombudsperson~~ *bureau*
14 determines would be useful to an association or owner.

15 (b) Information provided on the ~~ombudsperson's~~ *bureau's*
16 Internet Web site shall also be made available in printed form.
17 The ~~ombudsperson~~ *bureau* may charge a fee for the purchase of
18 printed material, not to exceed the actual cost of printing and
19 delivery.

20 1380.230. (a) Within 60 days of assuming office as an
21 association director or providing services as a managing agent,
22 an association director or managing agent shall certify that the
23 director or managing agent has read each of the following:

24 (1) The declaration, articles of incorporation or association,
25 and bylaws of the association that the director or managing agent
26 serves.

27 (2) This title or, if the Common Interest Development
28 ~~Ombudsperson~~ *Bureau* prepares a detailed summary of the
29 requirements of this title, that summary.

30 (b) A director shall file the certification required by this
31 section with the ~~ombudsperson~~ *bureau*. A managing agent shall
32 file the certification required by this section with the association
33 served by that managing agent.

34 (c) For the purposes of this section, "managing agent" means a
35 person or entity who, for compensation or in expectation of
36 compensation, exercises control over the assets of a common
37 interest development. "Managing agent" does not include a
38 regulated financial institution operating within the normal course
39 of its regulated business practice.

Article 4. Dispute Resolution

1380.300. Any person may request the bureau's assistance in resolving a dispute involving the law governing common interest developments or the governing documents of a common interest development. On receipt of a request for assistance the bureau shall, within the limits of its resources, investigate the dispute, confer with the interested parties, and assist in efforts to resolve the dispute by mutual agreement of the parties.

1380.310. If the bureau receives a complaint alleging that an association has violated a provision of this title, an applicable provision of the Corporations Code, or any other statute that governs common interest developments, it shall, within the limits of available resources, take one of the following actions:

(a) If the complaint involves a matter that would be within the regulatory authority of another state or federal agency, the bureau shall inform the person who filed the complaint of the other administrative remedies available, and may, if it appears appropriate to do so, refer the matter to another agency for disposition.

(b) Conduct an investigation of the alleged violation.

(c) Dismiss the complaint for failure to state a violation of law.

1380.320. If the bureau determines, after investigation, that a violation has occurred, it shall confer with the interested parties, and attempt to remedy the violation by mutual agreement of the parties.

1380.330. (a) If a violation cannot be remedied under Section 1380.320, the bureau shall serve a written citation on the association.

(b) The citation shall state the provision of law that has been violated and the facts constituting the violation.

(c) The citation shall order abatement of the violation and may order additional equitable relief as appropriate.

(d) The citation may include an administrative fine of not more than one thousand dollars (\$1,000) per violation, to be paid by the association to the bureau. In determining whether to impose a fine and the amount of any fine imposed, the bureau shall consider the size of the association, the gravity of the violation,

1 *the presence or absence of just cause or excuse, and any history*
2 *of prior violations.*

3 *(e) The citation shall include a statement of the procedure and*
4 *the deadline to request administrative review under Section*
5 *1380.340.*

6 *1380.340. (a) Within 30 days of service of a citation, the*
7 *association served with the citation may file with the bureau a*
8 *written request for administrative review of the citation.*

9 *(b) Within 90 days of receipt of a timely request for*
10 *administrative review, the Department of Consumer Affairs shall*
11 *conduct an administrative hearing to review the merits of the*
12 *citation. The hearing is subject to the administrative adjudication*
13 *provisions of the Administrative Procedure Act (Chapters 4.5*
14 *(commencing with Section 11400), and 5 (commencing with*
15 *Section 11500), Part 1, Division 3, Title 2, Government Code).*

16 *(c) The Department of Consumer Affairs shall appoint the*
17 *presiding officer, who shall be qualified as an administrative law*
18 *judge. The presiding officer may be an employee of the Office of*
19 *Administrative Hearings or of the Department of Consumer*
20 *Affairs, but may not be an employee of the bureau.*

21 *(d) A final decision reached after administrative review is*
22 *subject to judicial review under Section 11523 of the Government*
23 *Code.*

24 *1380.350. (a) An order or fine contained in a citation is not*
25 *enforceable until one of the following conditions is satisfied:*

26 *(1) The order or fine is reviewed under Section 1380.340 and*
27 *is upheld.*

28 *(2) The time to request review under Section 1380.340 passes*
29 *without review being requested.*

30 *(b) If an association does not comply with an enforceable*
31 *order or fine, the bureau may file an action in superior court to*
32 *enforce the order or fine. If, after a hearing, the court determines*
33 *that the order or fine is enforceable under subdivision (a), and*
34 *that the association has not complied with the order or fine, the*
35 *court shall issue a judgment enforcing the order or fine. The*
36 *judgment is nonappealable and has the same force and effect as,*
37 *and is subject to all the provisions of law relating to, a judgment*
38 *in a civil action.*